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LLC d/b/a The Cosmopolitan of Las Vegas

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MELVA STRANGE, individually;
Plaintiff,

v.

NEVADA PROPERTY 1 LLC, d/b/a THE
COSMOPOLITAN OF LAS VEGAS, DOES 1-20;
ROE CORPORATIONS 1-20 inclusive,

Defendants.

Case No: 2:23-cv-1012-ART-EJY

**DISCOVERY PLAN AND SCHEDULING
ORDER
SUBMITTED IN COMPLIANCE WITH
LR
26-1(b)
SPECIAL SCHEDULING REVIEW
REQUESTED**

Defendant, Nevada Property 1 LLC dba The Cosmopolitan of Las Vegas (“TCOLV”), by and through its counsel of record, Larry H. Lum, Esq., Karen L. Bashor, Esq., and Kimberly A. Nelson, Esq., of the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, and Plaintiff Melva Strange (“Plaintiff”) by and through her counsel of record, Samantha A. Martin, Esq., of the Richard Harris Law Firm, held a telephonic conference on August 14, 2023, and hereby submit their Stipulated Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure (FRCP) 26(f) and Local Rule 26-1.

~~**PROPOSED SCHEDULE**~~

I. FRCP 26(a) INITIAL DISCLOSURES

The Parties have agreed to exchange initial disclosures no later than **August 28, 2023**, which

1 is 14 days after the Rule 26 Conference was held. The parties expressly agree any document
2 productions shall be bates-stamped with the parties' respective identifying bates system. Other than
3 this, no changes are necessary in the form or requirement for disclosures under FRCP 26(a).

4 **II. ESTIMATE OF TIME REQUIRED FOR DISCOVERY**

5 **A. DISCOVERY CUT-OFF DATE:**

6 Discovery will take **240** days from June 30, 2023, which is the date TCOLV filed its Notice
7 of Removal of Action to Federal Court. This request for special scheduling review is made due to
8 the removal process having delayed both parties from commencing discovery, and as of the date of
9 this filing, no discovery has been had.

10 Therefore, the parties agree that discovery must be completed no later than **February 23,**
11 **2024**. The parties may conduct discovery within the scope of FRCP 26(b). Subject to the foregoing,
12 discovery need not be limited or focused on particular issues or conducted in phases.

13 **B. AMENDING THE PLEADINGS AND ADDING PARTIES:**

14 Unless stated herein or ordered by the Court, the date for filing motions to amend the
15 pleadings or to add parties shall not be later than 90 days prior to the discovery cut-off date, and
16 therefore not later than **November 24, 2023**.

17 **C. FRCP 26(a)(2) DISCLOSURES (EXPERTS):**

18 In accordance with FRCP 26(a)(2), disclosures identifying experts shall be made 60 days
19 prior to the discovery cut-off date, and therefore not later than **December 22, 2023**, and disclosures
20 of rebuttal experts shall be made 30 days after the initial disclosure of experts, and therefore not
21 later than **January 22, 2024**.

22 **D. DISPOSITIVE MOTIONS**

23 The parties shall file dispositive motions 30 days after the discovery cut-off date, and
24 therefore not later than **March 22, 2024**.

25 **E. PRETRIAL ORDER**

26 If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint
27 Pretrial Order shall be filed 30 days after the date set for filing dispositive motions, and therefore
28

1 not later than **April 22, 2024**. In the event dispositive motions are filed, the date for filing the Joint
2 Pretrial Order shall be suspended until 30 days after the Court enters a ruling on the dispositive
3 motions, or otherwise by further order of the Court. The disclosures required by FRCP 26(a)(3),
4 and any objections thereto, shall be included in the Joint Pretrial Order.

5 **F. ALTERNATIVE DISPUTE RESOLUTION**

6 The parties certify that they conferred about the possibility of using alternative dispute
7 resolution processes including mediation, arbitration, and if applicable, early neutral evaluation.

8 **G. ALTERNATIVE FORMS OF CASE DISPOSTION**

9 The parties certify that they considered consenting to trial by a magistrate judge and use of
10 the Short Trial Program.

11 **H. ELECTRONIC EVIDENCE**

12 **1. Electronically Stored Information and Electronic Service of Discovery**

13 The parties have discussed the retention and production of electronic data. The parties
14 consent to electronic service of any and all discovery documents. Said service shall be deemed
15 completed by sending an email with the related discovery document(s) to all service addresses for
16 counsel and counsel's staff on record with the court for the above-captioned matter at the time of
17 service. The parties further agree, when serving by email, if any error or delayed delivery message
18 is received by the sending party, that party shall promptly (within one business day of receipt of
19 such message) notify the intended recipient(s) of the message and serve the pleading or other papers
20 by other authorized means. This consent does not preclude counsel from serving discovery
21 documents by mail in accordance with FRCP 5(b), including service of electronic files copied to cd,
22 dvd, thumb drive or similar storage media. Whether served by e-mail or by mail, three additional
23 days shall be added to the timeline within which to respond, as provided for in FRCP 6(d). To the
24 extent discovery requests are served on a Saturday, Sunday, or legal holiday, service will be deemed
25 effective on the next day that is not a Saturday, Sunday, or legal holiday. The parties reserve the
26 right to revisit this issue if a dispute or need arises.

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1 2. **Electronic Evidence Conference Certification**

2 The parties further intend to present evidence in electronic format to jurors for the purposes
3 of jury deliberations. The parties discussed the presentation of evidence for juror deliberations, but
4 did not reach any stipulations as to that method as this early stage.

5 **III. EXTENSIONS OR MODIFICATIONS OF THE DISCOVERY PLAN AND**
6 **SCHEDULING ORDER**

7 LR 26-3 governs modifications or extensions to this discovery plan and scheduling order.

8 **IV. PROTECTION OF PRIVILEGED/TRIAL PREPARATION MATERIAL**

9 FRCP 26(b)(5) governs the inadvertent disclosure of documents or information subject to a
10 claim of privilege or of protection as trial-preparation material.

11 **ACTION REQUIRED TO BE TAKEN BY THIS COURT:**

12 This matter does not require any action by the court at this time.

13
14 DATED this 22nd day of August, 2023

14 DATED this 22nd day of August, 2023

15 WILSON, ELSER, MOSKOWITZ,
16 EDELMAN & DICKER LLP

15 RICHARD HARRIS LAW FIRM

17
18 By: /s/ Kimberly A. Nelson, Esq.
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18 By: /s/ Samantha Martin, Esq.
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21 801 South Fourth Street
22 Las Vegas, NV 89101
23 Attorneys for Plaintiff

24 **IT IS SO ORDERED.**

25 
26 **U.S. MAGISTRATE JUDGE**

27 **Dated: August 23, 2023**